

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – TUCSON

U.S. District Judge: Rosemary Márquez
USA v. Aaron Thomas Mitchell

Date: July 6, 2023
Case Number: CR-22-01545-001-TUC-RM (EJM)

Assistant U.S. Attorney: Raquel Arellano for Carin Duryee
Attorney for the defendant: Benjamin Singerman (AFPD)
Courtroom deputy: Sandra G. Fuller
Court reporter: Cheryl Cummings
AUSA interpreter: Sandy Frady for the alleged victim's mother who is appearing by telephone.

The defendant is present and in custody.

MOTION HEARING

The matter comes before the Court regarding the defendant's Unopposed Motion to Designate Case as Complex (Doc. 56).

The parties inform the Court the defendant has been charged in Pima County. Mr. Singerman adds the government will provide additional disclosure upon the assigned AUSA's return to the office. Mr. Singerman also notes he has submitted the disclosed DNA files to his experts who are reviewing the contents.

Mr. Singerman explains that though the parties continue to discuss the possibility of a non-trial disposition, the county case has complicated matters, and any resolution would need to be a global resolution.

Ms. Arellano informs the Court the parties are planning to meet to review outstanding disclosure and discuss any additional testing that may need to be performed.

The Court **GRANTS** the defendant's Unopposed Motion to Designate Case as Complex (Doc. 56) and **FINDS** that due to the amount of discovery, which includes DNA testing data and video and audio recordings, the designation is warranted.

The Court **VACATES** the jury trial currently set September 6, 2023, at 9:30 a.m. and **CONTINUES** the jury trial to December 19, 2023, at 9:30 a.m.

Excludable delay under 18 U.S.C. § 3161(h)(7) is found to commence on September 7, 2023, and end on December 19, 2023. Such time shall be in addition to other excludable time under the Speedy Trial Act and shall commence as of the day following the day that would otherwise be the last day for commencement of trial.

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Thereafter, the Court **FINDS** the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial because, for the reasons stated on the record, a failure to grant the continuance is likely to result in a miscarriage of justice if the defendant is required to go to trial on the presently set trial date.

The Court extends the **discovery/disclosure/notice deadline** to **September 18, 2023**.

The Court sets a **Status Conference** on **September 28, 2023, at 10:30 a.m.**

Thereafter, the Court extends the **plea deadline** to **November 17, 2023**.

Motion Hearing held from 10:40 a.m. to 10:48 a.m. (8 minutes)